

Office of the  
Legislative Fiscal Analyst

## **FY 2003 Budget Recommendations**

Joint Appropriations Subcommittee for  
Executive Offices and Criminal Justice

**Governor's Office**

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## 1.0 Governor's Office

### Summary

The Governor's Office is the Executive arm of State Government. Under the label of the "Governor's Office" are the programs and budget of the Governor's personal staff and statewide oversight and service functions relative to planning and budget.

	<b>Analyst FY 2003 Base</b>	<b>Analyst FY 2003 Changes</b>	<b>Analyst FY 2003 Total</b>
<b>Financing</b>			
General Fund	2,886,800	(7,400)	2,879,400
Dedicated Credits Revenue	68,100		68,100
GFR - Constitutional Defense	2,000,000		2,000,000
Transfers - Environmental Quality	4,000		4,000
Transfers - Health	6,000		6,000
Transfers - Human Services	6,000		6,000
Transfers - Natural Resources	3,000		3,000
Transfers - Workforce Services	4,000		4,000
Beginning Nonlapsing	102,000		102,000
<b>Total</b>	<b>\$5,079,900</b>	<b>(\$7,400)</b>	<b>\$5,072,500</b>
<b>Programs</b>			
Administration	1,728,000	(3,400)	1,724,600
Governor's Residence	266,200	(600)	265,600
Washington Office	221,000	(100)	220,900
Elections	634,100		634,100
Task Forces	61,100		61,100
Constitutional Defense Council	44,900	(2,300)	42,600
RS-2477 Rights of Way	2,000,000		2,000,000
Commission for Women and Families	22,600	(1,000)	21,600
Governor's Emergency Fund	102,000		102,000
<b>Total</b>	<b>\$5,079,900</b>	<b>(\$7,400)</b>	<b>\$5,072,500</b>
<b>FTE/Other</b>			
Total FTE	34		34
Vehicles	3		3

## **2.0 Issues: Governor's Office**

### **2.1 FY 2003 Budget**

The Analyst FY 2003 budget recommendation includes the Revised Estimate from FY 2002 as approved by the Executive Appropriations Committee and the following items:

- Adjustment for FY 2002 one-time programs;
- Payroll cost of an extra day in FY 2003
- Transfers of Market Comparability Adjustments; and
- Net changes for Internal Service Fund rates.

FY 2003 changes reflect the incremental costs of across the board reductions and annualization of partial budget cuts approved for FY 2002.

### **2.2 Nonlapsing Intent Language**

*It is the intent of the Legislature that funding for the Governor's budget be nonlapsing.*

*It is the intent of the Legislature that funding for the Elections Program be nonlapsing.*

*It is the intent of the Legislature that funding for the Commission on Women and Families be nonlapsing.*

*It is the intent of the Legislature that funding for the Emergency Fund be nonlapsing.*

*It is the intent of the Legislature that funding for the RS 2477 program be nonlapsing*

*It is the intent of the Legislature that funds expended from the R.S. 2477 Fund be used for litigation designed to quiet title to existing rights of way established before 1976 under RS 2477 guidelines. It is further the intent of the Legislature that the Governor or his designee shall present a report to the Legislature each General Session detailing activities funded within this line item.*

### **2.3 Elections Voting Machines**

If funds become available, the Analyst recommends that \$140,000 be appropriated to purchase elections voting machines for the visually impaired.

### 3.1 Administration

#### Recommendation

The Analyst recommends \$1,724,600 for the Governor's Administration.

	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>Est/Analyst</b>
	<b>Actual</b>	<b>Estimated</b>	<b>Analyst</b>	<b>Difference</b>
<b>Financing</b>				
General Fund	1,725,000	1,779,000	1,717,600	(61,400)
General Fund, One-time		(28,400)		28,400
Dedicated Credits Revenue	3,300	3,500	7,000	3,500
Transfers - Other Agencies		43,200		(43,200)
Beginning Nonlapsing	318,700	228,400		(228,400)
Closing Nonlapsing	(228,300)			
<b>Total</b>	<b>\$1,818,700</b>	<b>\$2,025,700</b>	<b>\$1,724,600</b>	<b>(\$301,100)</b>
<b>Expenditures</b>				
Personal Services	1,361,000	1,446,700	1,433,300	(13,400)
In-State Travel	5,600	2,100	4,100	2,000
Out of State Travel	52,100	51,700	22,800	(28,900)
Current Expense	353,600	484,000	247,100	(236,900)
DP Current Expense	30,800	30,700	17,300	(13,400)
Other Charges/Pass Thru	15,600	10,500		(10,500)
<b>Total</b>	<b>\$1,818,700</b>	<b>\$2,025,700</b>	<b>\$1,724,600</b>	<b>(\$301,100)</b>
<b>FTE/Other</b>				
Total FTE	23	23	21	(2)
Vehicles	2	2	2	

#### Purpose

The Administrative section of the Governor's Office is responsible for the coordination and development of policy and state issues that are of concern to the Governor.

### 3.2 Residence

#### Recommendation

The Analyst recommends \$265,600 for the Residence.

	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>Est/Analyst</b>
<b>Financing</b>	<b>Actual</b>	<b>Estimated</b>	<b>Analyst</b>	<b>Difference</b>
General Fund	272,300	267,900	265,600	(2,300)
General Fund, One-time		(1,600)		1,600
<b>Total</b>	<b>\$272,300</b>	<b>\$266,300</b>	<b>\$265,600</b>	<b>(\$700)</b>
<b>Expenditures</b>				
Personal Services	169,700	160,900	177,500	16,600
In-State Travel	200	(100)	100	200
Out of State Travel	3,700	3,700	5,600	1,900
Current Expense	96,500	99,600	80,100	(19,500)
DP Current Expense	2,200	2,200	2,300	100
<b>Total</b>	<b>\$272,300</b>	<b>\$266,300</b>	<b>\$265,600</b>	<b>(\$700)</b>
<b>FTE/Other</b>				
Total FTE	5	5	4	(1)
Vehicles	1	1	1	

#### Purpose

The Residence section of the budget includes funding for the Governor's Mansion and staff support for the First Lady of Utah

### 3.3 Washington Office

#### Recommendation

The Analyst recommends \$220,900 for the Washington Office.

	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>Est/Analyst</b>
<b>Financing</b>	<b>Actual</b>	<b>Estimated</b>	<b>Analyst</b>	<b>Difference</b>
General Fund	205,600	209,900	197,900	(12,000)
General Fund, One-time		(900)		900
Transfers - Environmental Quality	23,000	4,000	4,000	
Transfers - Health		6,000	6,000	
Transfers - Human Services		6,000	6,000	
Transfers - Natural Resources		3,000	3,000	
Transfers - Workforce Services		4,000	4,000	
Beginning Nonlapsing		7,800		(7,800)
Closing Nonlapsing	(7,800)			
<b>Total</b>	<b>\$220,800</b>	<b>\$239,800</b>	<b>\$220,900</b>	<b>(\$18,900)</b>
<b>Expenditures</b>				
Personal Services	183,700	177,500	181,000	3,500
In-State Travel	1,300	1,200	1,100	(100)
Out of State Travel	(2,700)	3,000	9,900	6,900
Current Expense	38,400	57,100	28,900	(28,200)
DP Current Expense	100	1,000		(1,000)
<b>Total</b>	<b>\$220,800</b>	<b>\$239,800</b>	<b>\$220,900</b>	<b>(\$18,900)</b>
<b>FTE/Other</b>				
Total FTE	2	2	2	

#### Purpose

The purpose of the Washington Office is to promote and facilitate intergovernmental actions at the State/federal level. The Office serves as a liaison resource between the State and federal, executive and legislative branches in Washington D.C.

### 3.4 Constitutional Defense Council

**Recommendation**      The Analyst recommends \$42,600 for the Constitutional Defense Council

	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>Est/Analyst</b>
<b>Financing</b>	<b>Actual</b>	<b>Estimated</b>	<b>Analyst</b>	<b>Difference</b>
General Fund	49,500	49,500	42,600	(6,900)
General Fund, One-time		(4,600)		4,600
Beginning Nonlapsing	63,300	103,500		(103,500)
Closing Nonlapsing	(103,500)			
<b>Total</b>	<b>\$9,300</b>	<b>\$148,400</b>	<b>\$42,600</b>	<b>(\$105,800)</b>
<b>Expenditures</b>				
In-State Travel		(300)		300
Out of State Travel		(700)		700
Current Expense	9,300	149,400	42,600	(106,800)
<b>Total</b>	<b>\$9,300</b>	<b>\$148,400</b>	<b>\$42,600</b>	<b>(\$105,800)</b>
<b>FTE/Other</b>				

**Purpose**      Funding for the Constitutional Defense Council is used for legal resources required to defend the State in challenges against federal mandates.



**3.5 RS 2477****Recommendation**

The Analyst recommends \$2,000,000 for the RS 2477.

	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>Est/Analyst</b>
<b>Financing</b>	<b>Actual</b>	<b>Estimated</b>	<b>Analyst</b>	<b>Difference</b>
General Fund, One-time		895,000		(895,000)
GFR - Constitutional Defense	1,692,800	1,105,000	2,000,000	895,000
Transfers	60,000			
Beginning Nonlapsing	307,200	826,700		(826,700)
Closing Nonlapsing	(826,700)			
<b>Total</b>	<b>\$1,233,300</b>	<b>\$2,826,700</b>	<b>\$2,000,000</b>	<b>(\$826,700)</b>
<b>Expenditures</b>				
Personal Services	394,000	723,000	350,000	(373,000)
In-State Travel	9,700	15,000	10,000	(5,000)
Out of State Travel	3,600	15,000	2,000	(13,000)
Current Expense	298,000	500,700	1,026,800	526,100
DP Current Expense	285,100	371,100	311,200	(59,900)
DP Capital Outlay	182,700	451,900		(451,900)
Capital Outlay	60,200	250,000		(250,000)
Other Charges/Pass Thru		500,000	300,000	(200,000)
<b>Total</b>	<b>\$1,233,300</b>	<b>\$2,826,700</b>	<b>\$2,000,000</b>	<b>(\$826,700)</b>
<b>FTE/Other</b>				
Total FTE	1	1		(1)

**Purpose**

Revised Statute 2477 (RS 2477) granted rights-of-way over “public lands, not reserved for public uses.”<sup>1</sup> The act created a self-executing system that allowed states to establish rights-of-way through use. Once a right of way was established, it was protected under RS 2477 and did not need affirmation from the federal government. Although the statute was repealed in 1976, rights-of-way established by 1976 remain legally valid.

The statute was a standing offer of a free rights of way over the public domain, and as soon as it was accepted in an appropriate manner by the agents of the public, or the public itself, a highway was established.<sup>2</sup>

<sup>1</sup> 43 U.S.C. 932

<sup>2</sup> 85 N.W. 47 as quoted by Barbara Hjelle in the Journal of Energy, Natural Resources and Environmental Law, Vol. 14(2), pp. 301-322.

Until recently, RS 2477 rights-of-way were not a particularly controversial area of public land management. However, recent efforts to limit access and prohibit motorized travel in wilderness areas, monuments and other areas of federal domain invigorated the RS 2477 debate. Since other agencies and local governments are in the process of mapping RS 2477 roads, the Analyst believes that the Constitutional Defense Fund should be used to protect Utah's rights to established rights-of-way rather than to expand mapping efforts. To ensure this, the Analyst recommends the following intent language:

*It is the intent of the Legislature that funds expended from the R.S. 2477 Fund be used for litigation designed to quiet title to existing rights of way established before 1976 under RS 2477 guidelines. It is further the intent of the Legislature that the Governor or his designee shall present a report to the Legislature each General Session detailing activities funded within this line item.*

### 3.6 Task Forces

#### Recommendation

The Analyst recommends \$61,100 be appropriated for Task Forces.

	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>Est/Analyst</b>
<b>Financing</b>	<b>Actual</b>	<b>Estimated</b>	<b>Analyst</b>	<b>Difference</b>
General Fund	5,200			
Dedicated Credits Revenue	181,100	113,900	61,100	(52,800)
Transfers - Natural Resources	228,700			
Transfers - Other Agencies		189,000		(189,000)
Beginning Nonlapsing	37,100	249,600		(249,600)
Closing Nonlapsing	(249,600)			
<b>Total</b>	<b>\$202,500</b>	<b>\$552,500</b>	<b>\$61,100</b>	<b>(\$491,400)</b>
<b>Expenditures</b>				
Personal Services	51,000	54,200	46,600	(7,600)
In-State Travel	4,100	6,600	3,200	(3,400)
Out of State Travel			1,000	1,000
Current Expense	135,100	487,500	10,300	(477,200)
DP Current Expense	8,400	300		(300)
Other Charges/Pass Thru	3,900	3,900		(3,900)
<b>Total</b>	<b>\$202,500</b>	<b>\$552,500</b>	<b>\$61,100</b>	<b>(\$491,400)</b>
<b>FTE/Other</b>				
Total FTE	1	1	1	

#### Purpose

The Task Force Section is utilized to focus on special issues that are of concern to the Governor. Dedicated credits in this section come from donations by private or non-profit firms.

### 3.7 Elections Office

#### Recommendation

The Analyst recommends \$634,100 for the Elections Office.

	2001	2002	2003	Est/Analyst
	Actual	Estimated	Analyst	Difference
<b>Financing</b>				
General Fund	1,038,600	672,500	634,100	(38,400)
General Fund, One-time		(16,400)		16,400
Dedicated Credits Revenue	7,000	3,000		(3,000)
Beginning Nonlapsing		109,300		(109,300)
Closing Nonlapsing	(109,400)	(151,000)		151,000
<b>Total</b>	<u>\$936,200</u>	<u>\$617,400</u>	<u>\$634,100</u>	<u>\$16,700</u>
<b>Expenditures</b>				
Personal Services	240,000	246,500	234,900	(11,600)
In-State Travel	1,300	1,300	9,000	7,700
Out of State Travel	4,000	4,000	4,200	200
Current Expense	597,300	288,600	301,000	12,400
DP Current Expense	28,500	28,300	85,000	56,700
DP Capital Outlay	5,000	5,000		(5,000)
Other Charges/Pass Thru	60,100	43,700		(43,700)
<b>Total</b>	<u>\$936,200</u>	<u>\$617,400</u>	<u>\$634,100</u>	<u>\$16,700</u>
<b>FTE/Other</b>				
Total FTE	6	6	5	(1)

#### Purpose

The Elections Office administers and enforces Utah's election laws and ensures full implementation of the Motor Voter Act, which requires states to set up election sites where motor vehicles are registered. The Election Office provides the public with voter registration information at these state owned or occupied facilities.

The Elections Section is also utilized to print the voter information pamphlet and fund other election year requirements.

If funds become available, the Analyst recommends that \$140,000 be appropriated to purchase elections voting machines for the visually impaired.

### 3.8 Commission on Women and Families

**Recommendation** The Analyst recommends \$21,600 for the Commission on Women and Families.

	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>Est/Analyst</b>
	<b>Actual</b>	<b>Estimated</b>	<b>Analyst</b>	<b>Difference</b>
<b>Financing</b>				
General Fund	80,600	82,100	21,600	(60,500)
General Fund, One-time		(70,500)		70,500
Beginning Nonlapsing	28,100	8,800		(8,800)
Closing Nonlapsing	(8,800)			
<b>Total</b>	<b>\$99,900</b>	<b>\$20,400</b>	<b>\$21,600</b>	<b>\$1,200</b>
<b>Expenditures</b>				
Personal Services	63,900	(46,800)	7,600	54,400
In-State Travel	2,600	1,000	1,700	700
Out of State Travel	11,100	(700)	1,900	2,600
Current Expense	20,000	(100)	9,600	9,700
DP Current Expense	2,300	300	800	500
Other Charges/Pass Thru		66,700		(66,700)
<b>Total</b>	<b>\$99,900</b>	<b>\$20,400</b>	<b>\$21,600</b>	<b>\$1,200</b>
<b>FTE/Other</b>				
Total FTE	1	1	1	

**Purpose** The Commission on Women and Families actively publish information about issues in which women have a unique or particular interest. The original Commission on the Status of Women was established in 1964. Statutory authority was provided in 1973.

### 3.9 Emergency Fund

**Recommendation**

The Analyst recommends \$102,000 for the Emergency Fund

	2001	2002	2003	Est/Analyst
<b>Financing</b>	<b>Actual</b>	<b>Estimated</b>	<b>Analyst</b>	<b>Difference</b>
General Fund, One-time	60,000			
Beginning Nonlapsing	57,000	102,000	102,000	
Closing Nonlapsing	(102,000)			
<b>Total</b>	<u>\$15,000</u>	<u>\$102,000</u>	<u>\$102,000</u>	<u>\$0</u>
<b>Expenditures</b>				
Other Charges/Pass Thru	15,000	102,000	102,000	
<b>Total</b>	<u>\$15,000</u>	<u>\$102,000</u>	<u>\$102,000</u>	<u>\$0</u>
<b>FTE/Other</b>				

**Purpose**

Authorization for expenditures from the Emergency Fund are found in 63-38-10, Utah Code Annotated, 1953.

## 4.0 Additional Information: Governor's Office

### 4.1 Funding History

	1999	2000	2001	2002	2003
<b>Financing</b>	<b>Actual</b>	<b>Actual</b>	<b>Actual</b>	<b>Estimated</b>	<b>Analyst</b>
General Fund	2,969,700	3,502,100	3,376,800	3,060,900	2,879,400
General Fund, One-time	152,000	40,000	60,000	772,600	
Federal Funds	(8,100)	8,100			
Dedicated Credits Revenue	74,300	17,100	191,400	120,400	68,100
GFR - Constitutional Defense			1,692,800	1,105,000	2,000,000
Transfers			60,000		
Transfers - Environmental Quality	4,000	4,000	23,000	4,000	4,000
Transfers - Governor's Office Adm	1,400	8,500			
Transfers - Health	6,000	6,000		6,000	6,000
Transfers - Human Services	6,000	6,000		6,000	6,000
Transfers - Natural Resources	3,000	3,000	228,700	3,000	3,000
Transfers - Other Agencies				232,200	
Transfers - Workforce Services	4,000	4,000		4,000	4,000
Beginning Nonlapsing	862,300	440,400	811,400	1,636,100	102,000
Closing Nonlapsing	(440,500)	(504,200)	(1,636,100)	(151,000)	
<b>Total</b>	<b>\$3,634,100</b>	<b>\$3,535,000</b>	<b>\$4,808,000</b>	<b>\$6,799,200</b>	<b>\$5,072,500</b>
<b>Programs</b>					
Administration	2,097,900	1,887,800	1,818,700	2,025,700	1,724,600
Governor's Residence	249,500	268,100	272,300	266,300	265,600
Washington Office	215,200	232,700	220,800	239,800	220,900
Motor Voter Registration	679,000				
Elections	102,900	1,015,800	936,200	617,400	634,100
Task Forces	116,000	29,600	202,500	552,500	61,100
Constitutional Defense Council	18,000	24,600	9,300	148,400	42,600
RS-2477 Rights of Way			1,233,300	2,826,700	2,000,000
Commission for Women and Famil	68,700	76,400	99,900	20,400	21,600
Governor's Emergency Fund	86,900		15,000	102,000	102,000
<b>Total</b>	<b>\$3,634,100</b>	<b>\$3,535,000</b>	<b>\$4,808,000</b>	<b>\$6,799,200</b>	<b>\$5,072,500</b>
<b>Expenditures</b>					
Personal Services	2,053,100	2,023,500	2,463,300	2,762,000	2,430,900
In-State Travel	20,500	21,100	24,800	26,800	29,200
Out of State Travel	110,700	92,300	71,800	76,000	47,400
DP Capital Outlay	1,900		187,700	456,900	
Capital Outlay			60,200	250,000	
Other Charges/Pass Thru			94,600	726,800	402,000
<b>Total</b>	<b>\$3,634,100</b>	<b>\$3,535,000</b>	<b>\$4,808,000</b>	<b>\$6,799,200</b>	<b>\$5,072,500</b>
<b>FTE/Other</b>					
Total FTE	27	35	38	38	34
Vehicles			3	3	3